

REMARKS

Claim 1 has been amended to resolve an issue raised by the Examiner. Entry of the above amendment is respectfully requested.

Rejection under 35 U.S.C. 112, Second Paragraph

On page 2 of the Office Action, claims 1 and 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite due to the presence of parentheses.

In response, Applicants have amended claim 1 to delete the parentheses. Accordingly, Applicants submit that the amended claims satisfy the requirements of 35 U.S.C. 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Art Rejections

On page 3 of the Office Action, claims 1 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashidzume et al (WO 2004/024820). Further, on page 5 of the Office Action, claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashidzume et al (WO 2004/024820) as applied to claim 1 and further in view of Miyanaga et al (US 5,879,589).

In response, Applicants note initially that the present application is the national stage of PCT/JP2004/013977 filed on September 16, 2004. In view of the discussion in, e.g., MPEP 1893.03(b), the U.S. filing date of the present application is September 16, 2004. Thus, WO 2004/024820, which was published on March 25, 2004, is not prior art under 35 U.S.C. 102(b).

Further, Applicants submit herewith a verified translation of their priority application JPA No. 2003-325672 filed in Japan on September 18, 2003, which antedates the publication date of WO 2004/024820 and removes it from the prior art. In this regard, Applicants submit that claim 1 of the present application is supported by claims 1, 2, and 3 and paragraph [0014] of the priority application, claim 4 of the present application is supported by claim 4 of the priority application, claim 5 of the present application is supported by claim 5 of the priority application, claim 6 of the present application is supported by claim 6 of the priority application, claim 7 of the present application is supported by paragraph [0052] of the priority application, claim 8 of the present application is supported by claim 7 of the priority application, and claim 9 of the present application is supported by claim 8 of the priority application.

Thus, Applicants submit that the present invention is patentable over WO 2004/024820 alone or in combination with Miyanaaga, and withdrawal of these rejections is respectfully requested.

Obviousness-Type Double Patenting Rejection

On page 6 of the Office Action, claims 1, 6, and 8-9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, 10-11, and 14-15 of U.S. Patent No. 7,189,782.

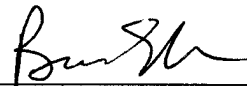
In response, and to expedite allowance, Applicants submit herewith a terminal disclaimer to obviate this rejection. Accordingly, Applicants submit that this rejection has been overcome, and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer
Registration No. 33,725

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 24, 2009